

Notice of Allowability

Application No.

10/657,342

Applicant(s)

KINKEAD, WILLIAM ALAN

Examiner

Lars A Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received from the applicant on July 26, 2004.
2. ☒ The allowed claim(s) is/are 2,3 and 19-37.
3. ☒ The drawings filed on 08 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Reasons for Allowance

1. An amendment was received from the applicant on July 26, 2004.
2. Claims 1 and 4-18 have been canceled.
3. Claims 2, 3 and 19-37 are allowed.
4. The following is an examiner's statement of reasons for allowance. The fender for protecting a pontoon boat as claimed is not shown or suggested in the prior art because of the use of a fender that is comprised of a body portion having a top part that extends generally downwardly and outwardly from a fence rail of a pontoon boat, and a bottom part that extends generally downwardly and inwardly towards a float tube of said pontoon boat, where at least one channel extends generally vertically along at least part of the length of said body portion, and a top rim that is formed atop said body portion with at least a section of said top rim extending generally inwardly to overlie and contact said fence rail.
5. The prior art as disclosed by Lemke (US 5,732,645) shows the use of a marine fender assembly that is comprised of a plastic body portion with a top part that extends downwardly and outwardly from a fence rail of a boat, and a bottom part that extends downwardly over a side of the hull of said boat, as well as a means for removably coupling said top part to said fence rail. Kinkead (US 5,697,316) discloses a boat fender that is comprised of a body portion with a top part and a bottom part, said bottom part extending generally downwardly and inwardly along the side of a boat, and a means for removably coupling said bottom part of said body portion to the side of said

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boat. Loomis (US 4,280,435) discloses a boat fender assembly with a top part and a bottom part, where said top part is further comprised of a top rim that extends generally horizontally from said top part and ends at a flange that extends generally downwardly to form a channel for receiving a boat fence rail. However, none of the prior art cited shows or suggests the use of a fender for protecting a pontoon boat, said fender being comprised of a body portion having a top part that extends generally downwardly and outwardly from a fence rail of a pontoon boat, and a bottom part that extends generally downwardly and inwardly towards a float tube of said pontoon boat, where at least one channel extends generally vertically along at least part of the length of said body portion, and a top rim that is formed atop said body portion with at least a section of said top rim extending generally inwardly to overlie and contact said fence rail.

Conclusion

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

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August 24, 2004

LARS A. OLSON
PATENT EXAMINER

Lars Olson
8/24/04